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ATTORNEYS FOR DEFENDANT ZIEGLER-HOFFMAN
PROPERTIES

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RICK FUTIA,
Plaintiff,
v.
ZIEGLER-HOFFMAN PROPERTIES,
Defendant.

CASE NO. C 06-06546 PVT

STIPULATION OF DISMISSAL AGAINST
DEFENDANT AND ~~PROPOSED ORDER~~

[Fed. R. Civ. Proc. 41(a)(2)]

ZIEGLER-HOFFMAN PROPERTIES,
Cross-Complainant,
v.
MARGARITA HERRERA, FRANCISCO
GUTIERREZ and BURRITO FACTORY,
INC.,
Cross-Defendants.

Plaintiff Rick Futia ("Plaintiff") and Defendant and Third Party Complainant Ziegler-Hoffman Properties ("Defendant") stipulate as follows:

Plaintiff and Defendant have reached a full and final settlement of all issues in this action. A settlement agreement, which contains confidential terms, between Plaintiff and Defendant has been fully executed. Defendant and Third Party Defendants Margarita Herrera, Francisco

Gutierrez and Burrito Factory, Inc. have not yet resolved the issues related to the Third Party Complaint.

Plaintiff hereby stipulates and agrees to dismiss the Action against Defendant with prejudice, provided the Court retain jurisdiction for one year from the date of the filing of this Stipulation for the purpose of enforcing the terms of the Settlement Agreement under the authority of Kokkonen v. Guardian Life Insurance Co. of America 511 U.S. 375, 381-82 (1994) and Federal Rule of Civil Procedure Rule 41(a)(2).

Defendant so stipulates. Defendant's stipulation is not intended to and does not dismiss its Third Party Complaint against Third Party Defendants Burrito Factory, Inc. Margarita Herrera, or Francisco Gutierrez.

IT IS SO STIPULATED:

DATED: JUNE 11, 2007

BERLINER COHEN

BY: /S/ EILEEN P. KENNEDY

EILEEN P. KENNEDY

ATTORNEYS FOR DEFENDANT ZIEGLER-
HOFFMAN PROPERTIES

DATED: JUNE 11, 2007

LAW OFFICE OF THOMAS N. STEWART III

BY: /S/ THOMAS N. STEWART

THOMAS N. STEWART, III

ATTORNEY FOR PLAINTIFF RICK FUTIA

IT IS SO ORDERED:

DATED: June 13, 2007



United States ~~District~~/Magistrate Judge